

REMARKS

All originally pending claims 1-34, 38 and 39 were rejected as anticipated or obvious in view of one or more of a variety of references. Claims 35-37 were never presented due to a numbering error in the original application. Claims 2-9, 14, 15, 19-27 and 29 are canceled in this amendment. New dependent claims 40-44 are presented for examination. The rejections of claims 10-13, 17, 18, 30, 32, 34, 38 and 39 are traversed. The other claims whose rejections are not being traversed (1, 16, 28, 31 and 33) are not being amended at this time pending results of the Examiner's reconsideration of the rejections of the eleven listed claims whose rejections are traversed.

Rejection of Claims 10-13

Claim 13 was rejected as anticipated by Pope'783 while claims 10-13 were rejected as anticipated by Sullivan '110.

Claim 10 requires, in pertinent part:

“at least one carrying strap having at least one end affixed at least proximal the mouth,”
(from claim 1 and)

“... a second end of the at least one carrying strap is captured between the first piece of fabric and the second piece of fabric.

Referring first to Pope, that patent shows a combination blanket/carrying bag/apparel 10 having a loop strap 38 only one end of which is affixed proximal the mouth and simultaneously possibly captured between the first piece of fabric and the second piece of fabric. However, since only one end is strap 38 is affixed and thus captured, strap 38 cannot satisfy the strap requirement of claim 10.

Pope also shows a pair of shoulder straps 40. The upper end of the straps (see Fig. 5) might be argued to be fixed at least proximal the mouth 34. The second (lower) end cannot be said to be captured between the first and second pieces of fabric. Claim 10 is amended to make clear that “capture” refers to the end actually being secured between the first and second pieces of fabric where those pieces are secured together. Accordingly, reconsideration withdrawal of this rejection is requested.

Claim 10 is also rejected as anticipated by Sullivan '110. Sullivan '110 is similar to Pope in that it shows a first strap 22 having one end arguably affixed proximal the mouth 38 and simultaneously arguably captured between first and second pieces of fabric 12 and 16. A second (opposing) end of the loop is clearly free and satisfies neither of those requirements.

Sullivan '110 further discloses a pair of shoulder straps (60) first ends of which are affixed at least proximal the mouth. The second ends of the strap (60b) are not captured between the first and second pieces of fabric. Indeed, those ends 60b are also free and can be releasably secured to separate loops 68. For the same reasons, none of the straps of Sullivan satisfy claims 12 and 13, which depend directly from claim 10 or claim 11 which depends directly from claim 1. Claim 11 is amended in the same way as claim 10.

Claims 17 and 18

The rejections of claims 17 and 18 as obvious in view of Sullivan '110 in combination with Pope '783 in further view of Storie '609 are traversed on the grounds that the combination is unsupported. The Examiner relies upon the combination beach towel/tote bag 10 shown in the figures of Sullivan '110 as the basic bag of the claim. A separate panel 16 is attached to towel 12 for form a pocket. Pope shows a similar design in that it comprises a smaller sheet of fabric (unnumbered) attached to one corner of a larger sheet of fabric 12 forming a storage pocket. Pope further affixes two additional pieces of fabric 21 to the first piece of fabric 12 forming two separate, side-by-side pillow holders 18, 20 at the opposite end of the first sheet 12. The Examiner further argues that one of ordinary skill would further look to Storie to provide the second pocket extending away from the first piece of fabric and its free edge in order to accommodate further greater number of users of various heights as desired. That being the case, then there is no reason for one of ordinary skill in the art then to look to Pope since the pillow pockets of Pope do not extend away from the free edge and therefore do not accommodate a greater number of users of various height. Stated in another way, the direct combination of Storie with Sullivan provide a combination with the benefit allegedly suggested by this prior art. No justification is then provided for any teaching or suggestion from Pope. Stated still another way, the justification that might have existed for combining Pope with Sullivan '110 with respect to the rejection of claim 16 no longer exist when Storie is further considered for the recited

benefit. Accordingly, the Examiner has provided no adequate justification for the consideration of Pope in combination with Sullivan '110 and Storie, and, therefore, the rejections of claims 17 and 18 are unsupported.

Claims 30 and 32

Claims 30 and 32 were rejected as obvious over MacColl '638 in view of Sullivan '110. Both the characterization of the prior art and the resulting combination are traversed.

Initially, applicants traverse the Examiner's statement that MacColl provides "the basic teaching of a plurality of storage pockets (22) each having a closure mechanism (30, 36)." MacColl discloses but one element 22, which is a carry bag. There is no need in MacColl (or any of the other references) to provide multiple carry bags. The Examiner relies upon Sullivan '110 for the basic teaching of a storage pocket (14) which is overlapped on a first piece of fabric (12) and which has a draw-string closure (22). As was noted above, MacColl, the primary reference, teaches only one carry bag 22. Sullivan '110 also teaches only one carry bag. MacColl and Sullivan '110 represent two opposite or different forms of providing a large fabric sheet (beach towel or blanket) with an integral carry bag. Two carry bags are not required and nothing in either reference teaches or suggests any benefit to be had by providing a second carry bag to the one carry bag disclosed in each patent. Furthermore, even if it were desirable to provide two bags, there is nothing in either reference which teaches or suggests the bags should be different. The proposed combination is not supported.

Claim 34

Claim 34 has been rejected by the Examiner over the combination of MacColl and Sullivan '846. The combination proposed by the Examiner is traversed as being unsupported on its face and as being nonoperable. Neither reference discloses and the Examiner does not explain how one could modify the design of MacColl so that the bag 22 has an opening or mouth on a side of the pocket/bag 22 other than at the one end of the bag which is secured to the first piece 16 and still receive the first piece of fabric. The Examiner does not state how the provision of such an opening on another side of the bag 22 provides any improvement or benefit for inserting or removing either the first piece of fabric 20 or an inflatable pillow as desired. In view of the lack of any benefit and further, the lack of any teaching or suggestion as to how the configuration

the Examiner proposes be made and still satisfy the requirements of underlying independent claim 28, the combination is unsupported.

Claims 38 and 39

Both claims have been rejected as obvious over the combination of MacColl '638 and Sullivan '110 and further Pope '783. The Examiner relies upon the combination of MacColl and Sullivan '110 as applied to claim 30. As was pointed out above in the discussion of that rejection, that combination is unsupported. The addition of Pope does nothing to support or justify the basic combination of MacColl with Sullivan '110 as relied upon by the Examiner. As stated above, the combination with MacColl and Sullivan '110 is not justified to provide a second storage pocket. The addition of Pope to that pair still does not justify that underlying combination. Accordingly, the proposed combination is unsupported on its face.

Examination of new dependent claims 40-44 is respectfully requested. These claims are directed to a particular construction not shown or suggested by the cited art.

For the foregoing reasons, reconsideration of each of the rejections of claims 10-13, 17, 18, 30, 32, 34, 38 and 39 and allowance of those claims and new claims 40-44 are respectfully requested.

Respectfully submitted,

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